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SUBJECT: THE SIXTH ANNUAL ANTI-TRAFFICKING IN PERSONS (TIP)
REPORT - JAMAICA

Ref: SECSTATE 03836

This cable is sensitive but unclassified. Please handle accordingly.

This message is in response to Reftel request for annual reporting on trafficking in persons in Jamaica. Below are posts responses to questions 21-24.

21. Overview of a country's activities to eliminate trafficking in persons:

-- A. Is the country a country of origin, transit, or destination for international trafficked men, women, or children? Specify numbers for each group; how they were trafficked, to where, and for what purpose. Does the trafficking occur within the country's borders? Does it occur in territory outside of the government's control (e.g. in a civil war situation)? Are any estimates or reliable numbers available as to the extent or magnitude of the problem? Please include any numbers of victims. What is (are) the source(s) of available information on trafficking in persons or what plans are in place (if any) to undertake documentation of trafficking? How reliable are the numbers and these sources? Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, etc.)?

Jamaica is suspected to be a country of internal trafficking of children for sexual exploitation. The ILO estimated in 2001 that several hundred minors, both boys and girls, are involved in Jamaica's sex trade, and that child pornography involving trafficking victims is a concern on the island. Victims of internal trafficking travel from rural areas to urban and tourist centers, where they are thought to be trafficked into prostitution. Jamaica is also a transit country for illegal migrants moving to the U.S. and Canada, some of whom are believed to be trafficking victims.

In addition, Jamaica is a destination for some foreign women working in local strip clubs. Groups of women from the Dominican Republic, Eastern Europe and Haiti, travel to Jamaica to work in strip clubs. Based on information we received from the Dominican Embassy to Jamaica, at least two Dominican Women who came to Jamaica in 2005 were trafficking victims.

Currently, the anti-TIP unit within the Jamaica Constabulary Force (JCF) is charged with collecting data on trafficking victims. However, other than the ILO estimate from 2001, there are no comprehensive figures on the number of trafficking victims here in Jamaica. In an effort to obtain more comprehensive data on trafficking, on February 12, 2006, the Government of Jamaica (GOJ) issued a request for

proposals in the Jamaica Gleaner to "provide (1) a comprehensive assessment of the scope of sexual exploitation and trafficking in persons and (2) recommendations for how to mainstream data gathering."

-- B. Please provide a general overview of the trafficking situation in the country and any changes since the last TIP Report (e.g. changes in direction). Also briefly explain the political will to address trafficking in persons. Other items to address may include: What kind of conditions are the victims trafficked into? Which populations are targeted by the traffickers? Who are the traffickers? What methods are used to approach victims? (Are they offered lucrative jobs, sold by their families, approached by friends of friends, etc.?) What methods are used to move the victims (e.g., are false documents being used?).

The problem does not appear to have been exacerbated in the past year. Since the last annual TIP report, the GOJ launched a yearlong education and awareness campaign. On August 9, 2005, the government's TIP task force presented Prime Minister P.J. Patterson with posters and bumper stickers to be used in the yearlong awareness and education campaign. Patterson used the opportunity to state that he had established a team within the Cabinet Office to ensure that trafficking would be eliminated from Jamaica.

On August 30, 2005, Minister of National Security Peter Phillips spoke at the launch of the yearlong campaign and stated that Jamaica should be at the forefront in the fight against trafficking. However, since the launch of the campaign in August no other significant public awareness events or activities have taken place. According to the government, several public events similar to the one that took place in August have been scheduled, but due to the

elections on February 25, they were postponed. (Note: The ruling People's National Party (PNP) held internal elections for party leader to succeed Prime Minister P.J. Patterson on February 25. Minister for Local Government, Community and Sport Portia Simpson Miller was the winner. End note.) Educational posters have been hung in government buildings, including police stations throughout the island. The TIP task force also plans to have the posters hung in various strip clubs to target potential trafficking victims.

In 2005, at least four night clubs were closed down and fifteen more raided where trafficking activities were suspected to have occurred. Owners of the clubs were arrested in two of these cases. One of the owners was charged with operating beyond closing hours and the other was charged with operating a brothel, employing a child in prostitution and living off the earnings of prostitution.

The True Fantasy Night Club was one of the clubs raided in 2005 for suspected trafficking activities. Several days after the club was raided, the Ministry of Labor issued work permits to 19 Dominicans authorizing them to work in the club as dancers and "coordinators." The TIP task force investigated the issuance of visas to the Dominican women and stated that the visas and work permits had been issued legally. Since that time, however, the government has suspended the issuance of visas to exotic dancers and the Ministry of Labor must now send a list of applicants for work permits to the JCF's anti-TIP unit for pre-screening for potential trafficking.

Two previously identified assembly points for sourcing Jamaican "exotic dancers", namely, the markets in Culloden and Safari, were disrupted through police intervention and remain dormant. No other assembly points have been identified.

-- C. What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

Corruption is a serious problem in Jamaica at all levels of government, and the JCF is not generally effective in law enforcement. Given the low level of education surrounding the issue, a lack of awareness may be as likely as corruption to cause local authorities to be complicit in or to condone trafficking activities. To address this, members of the JCF are being trained on the rights of the child as provided for in the Child Care and Protection Act (2004), and immigration officials now have the use of a passenger entry and exit system to enhance efforts to detect transnational trafficking.

The government is hampered in its efforts to combat trafficking by insufficient resources and competing priorities. Staffing and funding are inadequate for the police force and the judiciary, and corruption is widespread. Violent crime is at its highest rate in the country's history. Human rights groups identified systematically poor investigative procedures and weak oversight mechanisms within the police force. The government also lacks resources to aid victims. As a result of limited funding there are no government shelters for domestic violence victims or adult trafficking victims. Child trafficking victims determined to be in need of care are eligible to be housed at government-run "places of safety".

-- D. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, prevention and victim protection) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

The TIP task force monitors its anti-trafficking efforts on a monthly basis. The TIP task force has stated that it plans to prepare a report on its efforts that would be made available to the public and international organizations if requested. The government exchanges information with persons in various embassies and high commissions.

122. PREVENTION:

-- A. Does the government acknowledge that trafficking is a problem in that country? If no, why not?

Yes. In 2005, the Prime Minister and Minister of National Security both stated publicly that trafficking is a problem that the government must work to combat.

-- B. Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

The government has established a TIP task force made up of persons from a variety of ministries, including persons from the Ministry of National Security, the Ministry of Foreign Affairs and Foreign Trade, the Prime Minister's Cabinet Office, and the Planning Institute of Jamaica. This task force has the lead on TIP issues.

-- C. Are there, or have there been, government-run anti-trafficking information or education campaigns? If so, briefly describe the campaign(s), including their objectives and effectiveness. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor).

See 21 (B).

-- D. Does the government support other programs to prevent trafficking? (e.g., to promote women's participation in economic decision-making or efforts to keep children in school.) Please explain.

Yes. The government has a social policy goal of 100 percent school attendance by school-aged children. In an effort to achieve this goal, the government has a Program for

Advancement Through Health and Education which provides subsidies to certain households as long as the children maintain an 85% attendance rate.

-- F. What is the relationship between government officials, NGOs, other relevant organizations and other elements of civil society on the trafficking issue?

The TIP task force meets monthly with NGOs such as Women's Inc., the Association of Women's Organizations of Jamaica and Jamaican Youth for Christ to discuss anti-trafficking efforts.

-- G. Does it monitor immigration and emigration patterns for evidence of trafficking? Do law enforcement agencies screen for potential trafficking victims along borders?

Immigration and law enforcement officers at the country's two international airports have been sensitized and trained to identify potential trafficking victims. According to the government, their intelligence community has been specifically tasked to identify any potential traffickers.

Joint awareness workshops have been conducted among agencies such as Immigration, the Organized Crime Investigation Division of the JCF and members of the JCF's anti-TIP unit with representatives from various Embassies and High Commissions. The Immigration Department and representatives of the Ministry of Labor were sensitized to trafficking so they are aware of potential trafficking when issuing work permits and visas.

-- H. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force? Does the government have a trafficking in persons working group or single point of contact? Does the government have a public corruption task force?

The government's TIP task force is charged with coordinating and communicating with various agencies. The government has a Corruption Prevention Commission charged with ensuring that any civil employees that are required to file a financial disclosure statement, do so.

-- J. Does the government have a national plan of action to address trafficking in persons? If so, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to disseminate the action plan?

The government has stated that it has a national plan and that the following steps have been taken to reach the goals outlined in the plan:

-- A Children's Advocate has been appointed and the Child Advocate's office that was established under the Child Care and Protection Act is being staffed;

-- A children's registry to be maintained by the Child Development Agency for the reporting of abuses against children has been drafted and is being circulated for consultation;

-- Consultants have been invited to undertake a study of the scope of trafficking, to provide training for front-line workers and for developing material for training;

-- The government, in conjunction with the International Organization for Migration (IOM), will conduct another round of training to be undertaken with government officials and other professionals;

-- The review of the work permit system is in progress by a Work Permit Advisory Committee;

-- The JCF's anti-TIP unit is represented on the Work Permit advisory Committee;

-- The Ministry of Labor has increased the number of investigators for work permits;

-- Work permits to exotic dancers have been suspended;

-- The Ministry of Labor must now send the list of proposed

applicants for work permits to the JFC's anti-TIP unit for screening for potential trafficking;
-- Recruitment agencies are being monitored and illegal operators are being prosecuted;
-- The Child Labor Unit is implementing the National Plan of Action for addressing children in labor;
-- A public forum similar to the one held in August 2005 is scheduled to be held in Montego Bay in March 2006.

123. INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

For questions A-D, posts should highlight in particular whether or not the country has enacted any new legislation since the last TIP report.

-- A. Does the country have a law specifically prohibiting trafficking in persons--both trafficking for sexual exploitation and trafficking for non-sexual purposes (e.g. forced labor)? If so, what is the law? Does the law(s) cover both internal and external (transnational) forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of coercion or fraud? Are these other laws being used in trafficking cases? Are these laws, taken together, adequate to cover the full scope of trafficking in persons? Please provide a full inventory of trafficking laws, including civil penalties, (e.g., civil forfeiture laws and laws against illegal debt).

The Child Care and Protection Act of 2004 specifically states that "[n]o person shall sell or participate in the trafficking of any child." A child, in this case, is defined as anyone under the age of 18. However, the country does not have a specific law against trafficking of adults. The Chief Parliamentary Council is drafting instructions for new trafficking legislation designed to protect adults from trafficking. Once the Chief Parliamentary Council has completed this process, it will submit its proposal to Parliament to be passed into law.

Other laws that can be used in the prosecution of traffickers include the Offences Against the Person Act. This law criminalizes the abduction of a woman of any age "to engage in sexual acts or cause her to have sex with someone else." It further prohibits transnational movement of women for purposes of prostitution, detention of a woman or girl against her will for prostitution, knowingly living from the earnings of prostitution, and managing a brothel. The maximum sentence for living off the earnings of prostitution is two years, and for the other offences the maximum sentence is three years. Section 70 of this Act also specifically prohibits kidnapping a person to "cause [that person] to be unlawfully sent or transported out of Jamaica against [their] will," or "to hold [that person] for service" against their will. The maximum sentence under section 70 is life imprisonment.

Under the Foreign Nationals and Commonwealth Citizens (Employment) Act, foreign citizens must have a valid work permit in order to be employed, or face a fine of USD 200 or six months imprisonment, or both. This work permit must be shown on demand to responsible authorities, such as immigration officials or police officers. Failure to do so carries a fine of USD 50 or three months imprisonment. The GOJ can also potentially prosecute traffickers under the Recruiting of Workers Act, which requires that a person have a license in order to recruit workers, and prohibits the recruitment of persons under the age of eighteen (Children

aged sixteen to eighteen may engage in "light work" with the consent of their parents, although the act does not specify what constitutes "light.")

Jamaica has no civil forfeiture laws.

-- B. What are the penalties for traffickers of people for

sexual exploitation? For traffickers of people for labor exploitation?

Under the Child Care and Protection Act the penalty for selling or trafficking a child for any reason is a fine and/or a maximum imprisonment of 10 years with hard labor.

-- C. What are the penalties for rape or forcible sexual assault? How do they compare to the penalty for sex trafficking?

Rape, including spousal rape, is illegal and carries a penalty of up to 25 years' imprisonment with hard labor. There is currently no law against trafficking an adult for sexual exploitation.

-- D. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in many countries with federalist systems, prostitution laws may be covered by state, local, and provincial authorities.

Prostitution is illegal. It is also illegal to own/operate a brothel.

-- E. Has the Government prosecuted any cases against traffickers? If so, provide numbers of investigations, prosecutions, convictions, and sentences, including details on plea bargains and fines, if relevant and available. Are the traffickers serving the time sentenced? If no, why not? Please indicate whether the government can provide this information, and if not, why not? (Note: complete answers to this section are essential. End Note)

The government has charged the owner and operator of "Compliments" Night Club and Massage Parlor with operating a brothel, employing a child in prostitution and living off the earnings of prostitution. The case is scheduled to go to trial on March 24, 2006.

The owner of "Players" Night Club was convicted and fined for operating beyond closing hours, which is a breach of the Spirit License Act. The owner has paid the fine. The government stated that there are currently six other cases under investigation for potential trafficking-related offences.

-- F. Is there any information or reports of who is behind the trafficking? For example, are the traffickers freelance operators, small crime groups, and/or large international organized crime syndicates? Are employment, travel, and tourism agencies or marriage brokers fronting for traffickers or crime groups to trafficked individuals? Are government officials involved? Are there any reports of where profits from trafficking in persons are being channeled? (e.g. armed groups, terrorist organizations, judges, banks, etc.)

There are no reports on who is behind trafficking. Traffickers are suspected to be club operators and "businessmen" working in tandem with individuals in source countries to traffic females to be exotic dancers and sex trade workers. There is no information regarding where profits are being channeled.

-- G. Does the government actively investigate cases of trafficking? (Again, the focus should be on trafficking cases versus migrant smuggling cases.) Does the government use active investigative techniques in trafficking in persons investigations? To the extent possible under domestic law, are techniques such as electronic surveillance, undercover operations, and mitigated punishment or immunity for cooperating suspects used by the government? Does the criminal procedure code or other laws

prohibit the police from engaging in covert operations?

Techniques such as electronic surveillance and undercover operations are used in investigating cases of trafficking.

The Director of Public Prosecutions can utilize the provisions of the Plea-Bargaining/Pleas Legislation Act to reduce punishment for cooperating suspects.

-- H. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking?

The IOM, in conjunction with the government, has conducted training of police officers, immigration officers and other government employees to teach them skills to recognize and investigate trafficking. New JCF recruits receive trafficking sensitization training as part of their initial training.

According to the GOJ, the Director of Public Prosecutions has not received any requests for assistance or cooperation related to trafficking.

--I. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, can post provide the number of cooperative international investigations on trafficking?

The government conducted joint investigations with the authorities from the Canadian High Commission and authorities from Hong Kong involving a case of potential trafficking or alien smuggling of individuals from Hong Kong to Jamaica on their way to Canada. The individuals were returned to Hong Kong.

-- J. Does the government extradite persons who are charged with trafficking in other countries? If so, can post provide the number of traffickers extradited? Does the government extradite its own nationals charged with such offenses? If not, is the government prohibited by law from extraditing its own nationals? If so, what is the government doing to modify its laws to permit the extradition of its own nationals?

No. The government has not received any extradition requests for persons charged with trafficking. Jamaica maintains an extradition agreement with the United States. The government generally extradites its own nationals and nationals of other countries.

-- K. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

There is some concern that corrupt immigration officials may facilitate the unauthorized international movement of people. Post has no concrete evidence of this. The new entry/exit system installed at both international airports should help address this problem.

-- L. If government officials are involved in trafficking, what steps has the government taken to end such participation? Have any government officials been prosecuted for involvement in trafficking or trafficking-related corruption? Have any been convicted? What actual sentence was imposed? Please provide specific numbers, if available.

No government officials have been arrested for involvement in trafficking.

-- M. If the country has an identified child sex tourism problem (as source or destination), how many foreign pedophiles has the government prosecuted or deported/extradited to their country of origin? Does the country's child sexual abuse laws have extraterritorial coverage (like the U.S. PROTECT Act)?

The Government has not prosecuted any foreigners for any sexual relations/contact with a minor. No foreign pedophiles have been prosecuted, deported or extradited. The Child Care and Protection Act and the Offences Against Persons Act cannot be applied extraterritorially. The child sexual abuse laws can be applied extraterritorially in certain situations.

-- N. Has the government signed, ratified, and/or taken steps to implement the following international instruments? Please provide the date of signature/ratification if appropriate.

--ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor.

Ratified 13 October 2003

--ILO Convention 29 and 105 on forced or compulsory labor.

Ratified 26 December 1962

--The Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography.

Signed 8 September 2000, not yet ratified.

--The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime.

Signed 13 February 2002, not yet ratified.

124. PROTECTION AND ASSISTANCE TO VICTIMS:

-- A. Does the government assist victims, for example, by providing temporary to permanent residency status, relief from deportation, shelter and access to legal, medical and psychological services? If so, please explain. Does the country have victim care and victim health care facilities? If so, can you provide the number of victims placed in these care facilities?

The Ministry of National Security's Victim Support Unit provides assistance to victims of crimes by providing counseling, medical, psychological services and legal advice. There is no government shelter for adult victims of trafficking; however, the JCF reports that the demand for shelters is not high and they have only utilized temporary shelters at hotels on three occasions. Child victims of trafficking may be placed in one of the "places of safety" operated by the Child Development Agency.

The TIP task force is recommending expanding the services offered to victims to make those services consistent with the scope of protection recommended under the Protocol to Prevent, Suppress and Punish Trafficking in Persons. The TIP task force has recommended that the expanded services include employment, educational and training opportunities, and the possibility of allowing temporary or permanent residence.

-- B. Does the government provide funding or other forms of support to foreign or domestic NGOs for services to victims? Please explain.

No.

-- C. Is there a screening and referral process in place, when appropriate, to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to NGO's that provide

short- or long-term care?

The Victim Support Unit provides care to victims of crimes. The services include counseling, court support, psychological assessment and re-connecting with their families. In some cases a victim may be referred to the shelter operated by the NGO Women's Inc. for short term care. No trafficking victims have yet been referred to Women's Inc. and since Women's Inc. has some hesitation in accepting trafficking victims due to security issues, it is not clear whether the shelter would accept a trafficking victim. Minors may be referred to the "places of safety". The Glenhope Place of Safety has been recently refurbished and its capacity expanded from 50 to 80 persons. (Is there a formal referral system in place?)

-- D. Are the rights of victims respected, or are victims also treated as criminals? Are victims detained, jailed, or deported? If detained or jailed, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

Potential trafficking victims have been arrested, charged and convicted of various offences, including: indecent exposure; being found on club premises during closing hours; breaches of the Sprit License Act; immigration violations; employment without a valid work permit; loitering; forgery;

and holding a forged passport. The persons convicted have been ordered to pay fines but have not been ordered to serve jail time. Some of the persons convicted have been deported.

-- E. Does the government encourage victims to assist in the investigation and prosecution of trafficking? May victims file civil suits or seek legal action against the traffickers? Does anyone impede the victims' access to such legal redress? If a victim is a material witness in a court case against the former employer, is the victim permitted to obtain other employment or to leave the country? Is there a victim restitution program?

Victims of criminal offences can file civil suit for damages to the extent that there is an equivalent tort. There have been no court cases where a victim has testified against the former employer, so it is unclear whether a victim would be allowed to obtain other employment or leave the country. There is no victim restitution program.

-- F. What kind of protection is the government able to provide for victims and witnesses? Does it provide these protections in practice? What type of shelter or services does the government provide? Does it provide shelter or any other benefits to victims for housing or other resources in order to aid the victims in rebuilding their lives? Where are child victims placed (e.g. in shelters, foster-care type systems or juvenile justice detention centers)?

The government operates a witness protection program. With respect to the provision of shelters and victims support services see 24 (A).

-- G. Does the government provide any specialized training for government officials in recognizing trafficking and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? Does it urge those embassies and consulates to develop ongoing relationships with NGOs that serve trafficked victims?

In conjunction with the IOM, sensitization sessions have been held for government officials. Sensitization sessions are also being held with Jamaican Embassy staff. A "train-the-trainers" program that will be run in conjunction with the Inter-American Development Bank (IDB) will provide

further training to staff in Jamaican Embassies and Consulates worldwide. No protocol has been developed for relationships for NGOs that serve trafficking victims.

-- H. Does the government provide assistance, such as medical aid, shelter, or financial help, to its repatriated nationals who are victims of trafficking?

There have been no cases of repatriated nationals who are victims of trafficking.

-- I. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities?

Women's Inc. has a shelter for domestic violence victims that may be used by trafficking victims, but as mentioned above, security concerns have meant that no trafficked individuals have yet been sheltered at this location. While lack of political will is not an issue, GOJ consistently faces budgetary constraints that hamper training efforts and additional enforcement.

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